

REMARKS

The office action, in paragraph 2, states that claim 1 is not supported in the specification. The claim language “determining a characteristic of a local noise source affecting a first transceiver” is supported, for example, at page 4, lines 19 through page 5, line 5. That same passage supports the next limitation “using said characteristic to predict a time when the effect of the local noise source would be reduced.” More specifically, a slot occupancy estimation unit 38, estimates the likelihood of a slot occupancy and, as explained in Figure 3, contains probability estimates for each Bluetooth slot. See page 11, lines 15 *et seq.* To the situation where the noise source is proximate to one device and the transmission comes from a second device to the first device. Instead, Carlson relates to the situation where a local noise source, such as a microwave oven, is detected and transmission by that local transceiver is delayed until the local noise source abates.

Therefore, reconsideration of the Section 112 rejection is respectfully requested.

The objections under Section 112 in paragraph 4 have been corrected.

Therefore, reconsideration of the rejection of claim 1 and its dependent claims is respectfully requested. Likewise, the remaining claims, 9-14, should also patentably distinguish.

Concerning claim 15, the Examiner indicates that “the claim only requires using the characteristic to identify the noise signal.” See office action, page 10. The office action asks “what is the identification of the noise signal?” However, claim 15 does call for “using said characteristic to identify said noise signal.” As pointed out in the previous response, and as apparently conceded in the response to arguments in the last office action, there is no identification of the noise signal in West.

Therefore, reconsideration is respectfully requested.

With respect to claim 22, it is argued that West might possibly use the information he has to predict the behavior of the signal without demodulating the signal. However, just because RSSI and communication error rates might be utilized to predict the periodic interference, thinking to do so and figuring out how to do so is what makes the invention patentable. West may have data that the Examiner may believe could be utilized for predicting future characteristics, but there is nothing in West that applied the data in the fashion suggested only by the Examiner.

Therefore, reconsideration of the rejection of claim 22 is respectfully requested. For the same reason, claims 25-27 patentably distinguish over the West reference.

In his response to additional arguments, the Examiner refers to the previous discussion of claims 28 and 29, presumably on page 9 and asserts again that Hess and West do teach prediction of the behavior of a noise signal. However, at page 9, the Examiner concedes that "Hess fails to teach predicting the behavior of the noise signal without demodulating the noise source." The office action suggests at page 9 that West teaches predicting the behavior of the noise signal, citing, Figure 45 and items 4509 and 4511 and citing column 61, line 38. However, the cited language is explicitly to the contrary. There it is stated that West uses the information "to determine whether periodic interference is present." Again, this indicates a non-predictive detection behavior. Therefore, West fails to remedy the admitted deficiency in Hess. As a result, reconsideration is necessary.

Therefore, the application should now be in condition for allowance and the Examiner's prompt action is respectfully requested.

Respectfully submitted,

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